

PRINTER RUSH

(PTO ASSISTANCE)

Application: 10540305

Examiner: Liu

GAU: 1656

From: Daxa Patel

Location: IDC

Date: 11/16/2009

Tracking #: Week Date: 09/07/2009

<u>DOC CODE</u>	<u>DOC DATE</u>	<u>MISCELLANEOUS</u>
<input type="checkbox"/> 1449		<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS		<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM		<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW/FWCLM		<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW		<input type="checkbox"/> Other
<input type="checkbox"/> DRW		
<input type="checkbox"/> OATH		Attn:
<input type="checkbox"/> 312		
<input checked="" type="checkbox"/> SPEC	<u>08/27/2008</u>	

[RUSH] Message:

Page 8 Lines 15-20, References claim that's not present in the file, (claims higher than total number of claims in file).

Thank you
DP

[XRUSH] Response:

The specification at p.8, lines 5-20 needs to be modified so as to be consistent with instant claims. Claims 14, 17, 18, 19 and 28 mentioned at p.8 have been cancelled; and thus, "by the nucleic acid (line 14)...according to independent claim 28 (line 18)" should be deleted. The recitation "by the pharmaceuticals ... claims 36, 38 and 40" (lines 18-20) should be changed to "by the method according to independent claim 33, by the methods according to claims 36 and 38 and by the pharmaceutical composition according to claim 40".

Examiner: PUBS contacts - for DESIGNS: Don Fairchild, 703-756-1566; for ALL OTHER files: Bernadette Queen, 703-756-1565.

NOTE: This form will be included as part of the official USPTO record with the response document coded as XRUSH.

/S.L/ 12/07/2009